

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

TENNESSEE CLEAN WATER NETWORK,
and TENNESSEE SCENIC RIVERS
ASSOCIATION,
Plaintiffs,

v.

TENNESSEE VALLEY AUTHORITY,
Defendant.

No. 3:15-cv-00424
Judge Crenshaw
Magistrate Judge Holmes

**TVA’S MOTION TO QUASH PLAINTIFFS’ PURPORTED TRIAL SUBPOENA
FOR A TVA CORPORATE REPRESENTATIVE WITNESS**

Pursuant to Federal Rule of Civil Procedure 45 and Local Rule 45.01, Defendant Tennessee Valley Authority (“TVA”) respectfully moves the Court to quash the purported Rule 45 trial subpoena issued by Plaintiffs’ counsel on January 17, 2017, and directed to an unnamed “TVA corporate representative to testify about surface and ground water, and sediment quality testing conducted by or on behalf of TVA at the Gallatin Plant from April 2010 to present.” (Attach 1, Jan. 17, 2017 TVA Corporate Representative Subpoena (“Subpoena”).)

For the following reasons, the Court should quash the Subpoena as improper and invalid on its face: (1) Federal Rule of Civil Procedure 45 does not authorize “corporate representative” trial subpoenas; (2) it violates Federal Rule of Civil Procedure 37(c)(1) because it is an attempt to add *sub silentio* a new witness to Plaintiffs’ witness list (Doc. 159) and/or to avoid the consequences of Plaintiffs’ failure to make timely deposition designations; and (3) it fails to comply with the requirements of Federal Rule of Civil Procedure 45.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on January 18, 2017, the foregoing document was filed electronically through the Court's ECF system. Notice of this filing will be sent by operation of the Court's ECF system to counsel for all parties as indicated below. Parties may access this filing through the Court's ECF system.

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